

# State of South Dakota

EIGHTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2013

400U0327

## SENATE BILL NO. 49

Introduced by: The Committee on Transportation at the request of the Department of  
Transportation

1 FOR AN ACT ENTITLED, An Act to establish the fee charged by registers of deeds for  
2 documents filed by the Department of Transportation disposing of highway right-of-way that  
3 is no longer needed for highway purposes.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 7-9-15 be amended to read as follows:

6 7-9-15. The register of deeds shall charge and receive the following fees:

7 (1) For recording deeds, mortgages, and all other instruments not specifically provided  
8 for in this section or this code, the sum of thirty dollars for the first fifty pages plus  
9 two dollars for each additional page or fraction thereof exceeding fifty pages. A real  
10 estate document recorded with the register of deeds shall conform to § 43-28-23, but  
11 may not be rejected for recording if the document does not comply with § 43-28-23  
12 unless it is not sufficiently legible or cannot be reproduced as a readable copy using  
13 the register of deeds' current method of reproduction;

14 (2) For a certified copy of any instrument of record, including certificate and official  
15 seal, the sum of five dollars for the first page plus one dollar for each additional page



1 or fraction thereof, and for an uncertified copy one dollar for each page. The fee  
2 applies to each copy whether it is a hard copy, microfilm, electronic copy, or  
3 facsimile transmission. In addition to the fee for a certified copy of the record of any  
4 birth, there is an additional charge of two dollars for each copy requested, which shall  
5 be submitted on a monthly basis to the state treasurer to be deposited in the children's  
6 trust fund;

7 (3) For filing and indexing a bill of sale, seed grain lien, or thresher's lien, the sum of  
8 thirty dollars for the first fifty pages plus two dollars for each page or fraction thereof  
9 exceeding fifty pages. No fee may be charged for filing any satisfaction or  
10 termination of any instrument as prescribed in this subdivision;

11 (4) For recording oil, gas, and mineral leases, and other recorded documents relating to  
12 mineral or oil and gas lease exploration and development, the sum of thirty dollars  
13 for the first fifty pages plus two dollars for each page or fraction thereof exceeding  
14 fifty pages;

15 (5) For recording an easement filed by any entity created by chapter 34A-5, 46A-3A, or  
16 46A-9 or any nonprofit engaged in the treatment, distribution, and sale of water to  
17 rural consumers or any document filed by the Department of Transportation  
18 pertaining to the acquisition or disposal of highway right-of-way or lands declared  
19 surplus, the sum of twenty dollars for the first three pages plus two dollars for each  
20 additional page or fraction thereof; and

21 (6) Notwithstanding the provisions of subdivision (2) of this section, the board of county  
22 commissioners shall fix by resolution the fees to be paid by licensed abstracters of  
23 the county or by any person who has passed the written examination established by  
24 the Abstracters' Board of Examiners pursuant to § 36-13-11 for uncertified copies of

1           recorded instruments, which fee may not exceed the actual cost to the county for  
2           providing such copies.

3           The register of deeds may not charge a fee for discharging or canceling any personal  
4   property lien.